



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
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Arnold Schwarzenegger
Governor

July 20, 2007

David McDonnell
Overton Moore Properties
1125 West 190th Street
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Gardena, CA 90248

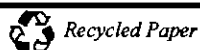
CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR PARCEL MAP 34572, CITY OF MORENO VALLEY (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. McDonnell:

On October 18, 2006, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification) for Parcel Map 34572 (a.k.a. Centerpointe Business Center) in the City of Moreno Valley. We requested an amended, final Water Quality Management Plan (WQMP), and it was received on June 21, 2007. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description:	Construction of a mixed-use retail/office/warehouse condominium project on 25.94-acres in the City of Moreno Valley. The project is located at the northwest corner of Cactus Avenue and Frederick Street within Sections 13 and 14 of Township 3 South, Range 4 West, of the U.S. Geological Survey <i>Riverside East, California</i> , 7.5-minute topographic quadrangle map (33 deg. 54 min. 39.52 sec. N/ -117 deg. 15 min. 40.38 sec. W).
Receiving water:	One un-named ephemeral drainage, tributary to the Perris Valley Storm Drain.
Fill area:	0.22 acres of permanent impact to ephemeral drainages (1,628 linear feet).

California Environmental Protection Agency



Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below. Onsite water quality standards mitigation proposed:

- Nuisance flow and 'first-flush' discharges from the project site and portions of the adjacent Cactus Avenue will be treated in a modified sand filter located along Cactus Avenue. The treated storm water runoff volume will be stored in a gravel-filled trench, located below a porous landscaped area, and then pumped to the sand filter media. The sand filter media is in an open swale at the southeast portion of the site, beneath a layer of decorative rock. Discharges of storm water runoff from storm drains serving PM 34572 will be pre-treated using hydrodynamic separators prior to entering into the modified sand filter.
- Additional site-specific best management practices (BMPs) are specified in the final WQMP and in the site's Storm Water Pollution Prevention Plan(s) (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Riverside-Corona Resource Conservation District or the Riverside County Regional Park and Open Space District towards the eradication of 0.5 acres of invasive plant species in waters of the State.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate BMPs will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a SWPPP, to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the City of Moreno Valley adopted a mitigated negative declaration for Parcel Map 34572 on February 8, 2007. The Executive Officer has considered the City's mitigated negative declaration in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all proposed storm water treatment facilities as proposed. All structural storm water treatment facilities shall be constructed and operational prior to the occupancy of any building.
2. Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and applicable waste discharge requirements.
3. This Certification and any subsequent amendments shall be maintained on site as a denoted element of any project SWPPP or WQMP.
4. Overton Moore Properties shall pay an in-lieu fee to the Riverside-Corona Resource Conservation District or the Riverside County Regional Park and Open Space towards the eradication of 0.5 acres of invasive plant species in waters of the State. The fee payment shall include a minimum of 5-years of follow-on maintenance. Evidence of the payment shall be provided to the Executive Officer by September 20, 2007.
5. This Certification is transferable only upon written notice to the Executive Officer. Such notice shall include written acknowledgement of this Certification by the transferee's authorized representative.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that

application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all

conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jason Lambert
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification
Unit – John Reynolds and Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Tim
Vendlinski

APF:401/certifications/PM 34572 (centerpointe) 332006-63

